

## PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

09/890869

In re application of

Anthony David Smith, et al.

Appln. No.: 09/890,869

Group Art Unit: NOT YET ASSIGNED

Confirmation No.: Not Yet Assigned

Examiner: NOT YET ASSIGNED

Filed: August 07, 2001

For: IMPROVEMENTS IN OR RELATING TO CONTROL AND/OR MONITORING SYSTEMS

## SUBMISSION OF EXECUTED DECLARATION

**ATTN: BOX PCT**Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)," mailed September 5, 2001 for the above application, Applicant respectfully submits herewith the Declaration for the above identified application properly executed by the inventors. Also enclosed please find an executed Assignment and PTO Form 1595.

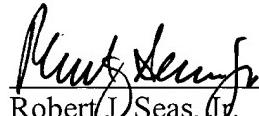
Checks for the statutory fee of \$65.00 and Assignment recordation fee of \$40.00 are attached. Please also charge any underpayment or credit any overpayment to Deposit Account No. 19-4880. A duplicate copy of this paper is attached.

10/02/2001 MKAYPAGH 00000039 09890869

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65.00 OP

Respectfully submitted,

  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

09/890869

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.

09/890,869

BODY

FIRST NAMED APPLICANT

ATTY. DOCKET NO.

Q65784

5071

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INTERNATIONAL APPLICATION NO.

PCT/NZ00/00012

LA. FILING DATE

PRIORITY DATE

02/10/00

02/11/99

DOCKETED

09/05/01

DATE MAILED:

SEP 06 2001

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as:
  - a Designated Office (37 CFR 1.494)  an Elected Office (37 CFR 1.495):
    - U.S. Basic National Fee.
    - Copy of the international application.
    - Oath or Declaration of inventors(s).
    - Copy of Article 19 amendments.
    - Priority Document.
    - The International Preliminary Examination Report in English and its Annexes, if any.
    - Translation of Annexes to the International Preliminary Examination Report into English.
  - Indication of Small Entity Status.
  - Translation of the international application into English.
  - Translation of Article 19 amendments into English.
  - Other: 318
2.  Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
  - U.S. Basic National Fee.
  - Copy of the international application.
3. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
  - a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
    - The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
  - b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
  - c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
    - The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
  - d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
4. Additional claim fees of \$ \_\_\_\_\_ as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.
5.  Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes MUST be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
- The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

*A copy of this notice MUST be returned with this response.*

Enclosed:  PCT/DO/EO/917  
 PTO-875

Notice of Defective Translation  
 PCT/DO/EO/920

FORM PCT/DO/EO/905 (March 2001)

Telephone:

National Stage Processor  
703-305-3C95  
*(Signature)*